

1  
2  
3  
4  
5  
6  
7  
8  
9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11

12 VERNON RUBIDOUX,  
13 Plaintiff,  
14 v.  
15 PAM AHLIN, et al.,  
16 Defendants.

Case No. CV 15-07751 JFW (RAO)

ORDER DISMISSING ACTION

17  
18 On April 11, 2022, Plaintiff Vernon Rubidoux (“Plaintiff”) filed a document  
19 titled “Withdrawal of Complaint.” Dkt. No. 177. Plaintiff moves to withdraw his  
20 complaint, explaining that he requires expert testimony and does not have the means  
21 to hire an expert witness. *Id.* At the Court’s direction, Defendant Mark Peterson  
22 (“Defendant”) filed a response to Plaintiff’s request. Dkt. No. 179. Defendant does  
23 not oppose Plaintiff’s request to withdraw his complaint on terms that the Court  
24 “considers proper.” *Id.*

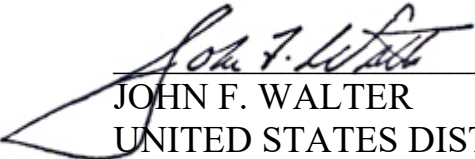
25 The Court construes Plaintiff’s request as a request to voluntarily dismiss this  
26 action under Federal Rule of Civil Procedure 41(a). Unless all parties stipulate to the  
27 dismissal, after an opposing party files an answer or a motion for summary judgment,  
28 “an action may be dismissed at the plaintiff’s request only by court order, on terms

1 that the court considers proper.” Fed. R. Civ. P. 41(a)(2). “Unless the order states  
2 otherwise, a dismissal under this paragraph (2) is without prejudice.” *Id.*

3 Here, the action may be dismissed at Plaintiff’s request only by Court order as  
4 Defendant has filed an answer and a motion for summary judgment. Defendant does  
5 not oppose Plaintiff’s request to withdraw his complaint. Defendant also does not  
6 request any specific terms or conditions for dismissal. Accordingly, Plaintiff’s  
7 request to withdraw his complaint is granted.

8 IT IS ORDERED that this action is dismissed without prejudice under Federal  
9 Rule of Civil Procedure 41(a)(2).

10 DATED: April 27, 2022

11   
12 JOHN F. WALTER  
13 UNITED STATES DISTRICT JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28